

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

JAMES VALLELUNGA,

Defendant.

18 - MJ- 120

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

(STATE OF SOUTH DAKOTA)
() ss
(COUNTY OF PENNINGTON)

I, Robert A. Espinosa, Special Agent (SA) with Homeland Security
Investigations, being duly sworn, state as follows:

1. I am employed as a Special Agent with Homeland Security Investigations ("HSI") and assigned to RAC Rapid City. As a Special Agent, I am responsible for investigating child exploitation, human trafficking, narcotic trafficking and investigating violations of statutes relating to immigration and customs enforcement. I have received specialized training computer forensics examination, mobile device examination, narcotic investigations, undercover tactical investigations, and Internet Crimes Against Children ("ICAC") undercover chat investigations. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code; that is, an officer of the United States who is empowered by law to conduct investigations and make arrests of offenses enumerated in Title 18, 19, and 21 of

the United States Code. I have been involved in the execution and planning of arrests for over twenty (20) years, ten (10) years of experience with HSI, and ten (10) years of experience before with the City of Miami Police Department as an Officer/Sergeant.

2. During my law enforcement career, I have become familiar with the *modus operandi* of persons involved in enticement of a minor using the internet in violation of federal law. Based on my experience and training, I am knowledgeable of the various means utilized by individuals who illegally attempt to meet with children in order to engage in criminal sex acts.

3. The information set forth below is based upon my knowledge of an investigation conducted by the South Dakota Internet Crimes Against Children Taskforce (ICAC) and the investigation of other law enforcement agents and officers including, but not limited to, South Dakota Division of Criminal Investigation (DCI), Homeland Security Investigations (HSI), the Rapid City Police Department, and the Pennington County Sheriff's Office. I have not included every fact obtained pursuant to this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the criminal complaint. I have not omitted any material fact relevant to the consideration of probable cause for a criminal complaint against the above named defendant.

4. I have been informed that 18 U.S.C. § 2422(b) makes it a crime for a person to use the internet or any other means, which affects interstate commerce, to attempt to knowingly persuade, induce, entice, and coerce a

person who has not attained the age of 18 years to be caused to engage in a criminal sex act.

5. Your affiant respectfully submits that there is probable cause to believe that James Vallelunga committed the crime of enticement of a minor using the internet in violation of 18 U.S.C. § 2422(b).

6. Beginning on August 3, 2018, the South Dakota ICAC, DCI along with HSI and other law enforcement agencies, set up an operation to target online predators during the 2018 Sturgis Bike Rally, in western South Dakota. As a part of the operation, law enforcement agents put out multiple advertisements on online websites and set up profiles on mobile applications or "apps."

7. On 8/20/18, DCI Special Agent (SA) John Barnes was involved in the undercover law enforcement operation in Rapid City, SD. During this particular operation, SA Barnes was acting in an undercover capacity as a "pimp" in which he was offering minors for prostitution.

8. On 8/7/18, HSI SA Scott Beagle put up an ad on the website "Skipthegames.com." The ad had the following information:

Title: "Young and fresh girls for T or cash" (19 years old)
Ad posted: 9:05PM on 2018-08-07
Accepted Payments: Cash
Available for: Incall and Outcall
Available for Business: 7 days a week
Location: Rapid City

9. The ad also set forth the following: "Young and fresh girls for T or cash. No games quick and discrete," and included an image of an age regressed photo of an adult female who is affiliated with law enforcement. Special Agent

Beagle posted the ad on Skipthegames.com under the following categories: South Dakota-Rapid City-Massage or Massage Studio.

10. On 8/19/18, SA Beagle contacted SA Barnes and informed Barnes that he had an individual who responded to the ad Beagle had posted on Skipthegames.com during the 2018 Sturgis Motorcycle Rally operation. Beagle informed Barnes that he communicated to this individual through email and then gave him Barnes' undercover phone number.

11. HSI SA Beagle informed Barnes that he was acting as a 15 year-old female prostitute. During SA Beagle's (scottgold612@gmail.com) email conversations with James ("Jim") Vallelunga (jimvallelunga@gmail.com) they discussed that the female prostitute was only 15 years old and that Vallelunga would need to contact her pimp in order to engage in sex acts with the minor. During this email conversation, Vallelunga told the 15 year-old female that he wanted to engage in the following, "Blow job, massage, fuck." HSI SA Beagle, via his undercover persona, gave Vallelunga an undercover number in order to continue the conversation since SA Barnes was located in Rapid City, SD and Beagle had returned to his home office out-of-state. SA Beagle also told Vallelunga to use the word "Skittles" in any future communications with the pimp, so the pimp would know Jim was the person previously conversing with the 15 year-old.

12. On 8/19/18, Jim Vallelunga contacted SA Barnes' undercover number, previously provided to Vallelunga by SA Beagle. Vallelunga called from the phone number (209) 768-3189. Vallelunga left SA Barnes the following

voicemail: "Skittles, my name is Jim. Just text me back at 209-768-3189. I had communicated with the girl, I can't remember her name, for what I wanted and I just kind of need to get a price whether it's an hourly rate or what. Leave a message, thank you."

13. James then contacted SA Barnes' undercover number via text message. During the text message conversation, SA Barnes acted in an undercover capacity as a pimp. During the text message exchange, Vallelunga initially asked how much for three hours bareback, for "fuck, massage, blowjob". He agreed pay for sex with the 15 year-old girl who he was previously chatting with but also asked if SA Barnes could give him a price for two for one to have sex with the two minors, and get a discounted package deal. Ultimately, Vallelunga agreed to pay \$500 for three hours of sexual intercourse with two juvenile female prostitutes, ages 14 and 15 years. He asked that the sex be "bareback" meaning to have sexual intercourse without a condom. James asked multiple times if he was being set up.

14. Vallelunga informed SA Barnes that he had obtained and moved to a new hotel room at the Best Western Ramkota hotel in Rapid City, South Dakota. An undercover agent posed as the pimp and went to the hotel. Agents informed Vallelunga that the pimp was there and that he needed to leave his room and meet the pimp in the pimp's vehicle which was parked near his room outside the hotel. At approx. 6:39PM, Vallelunga went to the undercover's vehicle and got in and was arrested. Vallelunga had \$500 cash located on him.

15. SA Barnes conducted a subsequent interview with Vallelunga, during which he confirmed his phone number and email address that had been used in the conversations. He confirmed that he was the individual that had responded to the UC ad on the "skipthegames" website. He confirmed that he had agreed to pay \$500 for three hours of sexual intercourse with two juvenile females. Vallelunga said that he knew that it was illegal to engage in sexual activity with a 14 and 15 year old juvenile.


16. I am aware that "Skipthegames" operates solely on the internet and is therefore in and affecting interstate commerce.

CONCLUSION


17. Your affiant submits that there is probable cause to believe that James Vallelunga committed a violation of 18 U.S.C. § 2422(b).

Wherefore, I request the issuance of a criminal complaint for the arrest of James Vallelunga.

Dated: 8/21/2018


Special Agent Robert A. Espinosa
Department of Homeland Security
Investigations

SUBSCRIBED and SWORN to

 in my presence
_____ by reliable electronic means

this 21st day of August, 2018.


DANETA WOLLMANN
United States Magistrate Judge